



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Issued by the Department of Transportation on June 18, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-97-3073 ~ 29

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of American Airlines, Inc. filed 4/19/01 for:

**XX** Waiver from dormancy condition:

By Order 98-1-29 the Department granted American Airlines seven weekly combination frequencies to provide service in the New York-Lima/Cuzco market. The frequencies are subject to the condition that they will expire automatically and revert to the Department for reallocation if they are not used for a period of 90 days. American temporarily suspended its New York-Lima/Cuzco service on September 30, 1998. Since then the Department has granted American waivers from the 90-day dormancy condition until March 24, 2001. (See Notices of Action Taken dated August 23, 2000; November 4, 1999; June 22, 1999; and December 17, 1998.) Under the terms of the latest waiver American's frequency allocation would automatically expire if American did not resume service by June 22, 2001. American seeks a further waiver from the 90-day dormancy condition so that the 90-day dormancy period would not begin until December 24, 2001. American states that it will resume service when economic conditions improve.

Applicant rep.: Carl B. Nelson, Jr., 202-496-5647 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

**XX** **Granted** (see remarks)

The above action was effective when taken: June 18, 2001, until December 24, 2001<sup>1</sup>

**XX** Action taken by: **Paul L. Gretch, Director**  
**Office of International Aviation**

**Remarks:** The Department has granted American waivers of the dormancy condition since December 1998, and we have granted a further extension here. We note, however, that the Peru rights at issue are limited and American has presented no near-term plans to use them. We thus advise American that, in the absence of countervailing circumstances, we may no longer continue to find that the public interest warrants a further extension of this dormancy waiver should American not make use of the frequencies at issue.

(See Reverse Side)

<sup>1</sup> American's waiver from the dormancy condition is effective until December 24, 2001, or until the date on which American resumes service with these frequencies, whichever occurs earlier. Once the waiver ceases to be effective, the 90-day dormancy condition applies from that point forward.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the waiver was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

